

TR 1631
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) Group Art Unit: 1631

) Examiner: Marianne P. Allen

) Confirmation Number: 2692

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I hereby certify that this correspondence is being deposited with the United States Postal Service first class mail and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Signature: Cheri Gomez

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants in recognition of the requirements of candor and good faith under 37 CFR 1.56 submitted the publications cited in 10/06/2004 Information Disclosure Statement which correspond to those publications identified in the International Search Report dated 18 August, 2004 (copies enclosed herewith). These references were not authored / co-authored by the inventors nor relied upon to develop the disclosed subject matter that describes the Applicants' invention, however, they may be "material", pursuant to 37 CFR §1.56, to the examination of

this application and in respect of which there may be a duty to disclose. While the information disclosed in the 10/06/2004 Information Disclosure Statement may be "material", it is not intended to constitute an admission that any publication or other information referred to therein is "prior art" for this invention unless specifically designated as such and should not be construed to mean that a search has been made or that no other material information exists.

In the request for information, the Examiner requested indication as to whether any search of prior art was performed. Aside from the aforementioned International Search, Applicants are unaware of further patent searches having been conducted and/or cannot readily obtain information related to further patent searches. Applicants submit for consideration by the Examiner a publication co-authored by at least some of Applicants entitled: "An automated computer system to support ultra high throughput SNP genotyping" published in Pacific Symposium Biocomputing 2002;:30-40. (copy enclosed herewith).

It is noted that this publication does not describe with detail the disclosed subject matter and was not subject to reliance to draft the claimed subject matter. Rather this publication addresses considerations for large scale genotyping projects including information management, project design, and K-means clustering analysis. In fact, only passing reference to the disclosed subject matter is made on Page 8, second to last paragraph, stating: *"A novel alternative algorithm was developed that uses the relative position of samples in polar coordinates to make calls. By considering the inherent genetics qualities of the data, filters allow questionable SNPs to be flagged for manual review. Celera is currently seeking a patent covering this method."* This publication is, however, submitted in good faith for consideration by the Examiner in accordance with the provisions under 37 CFR 1.56 and in furtherance of the Examiner's request for information.

With respect to other publications which any of the applicants authored or co-authored and which describe the disclosed subject matter of producing angular values for datapoints; Applicants' are unaware of and/or cannot be readily obtain any other publications of this nature. Similarly, with respect to the request for publications that any of the Applicants relied upon to develop the disclosed subject matter that describes the applicant's invention, Applicants are unaware of and/or cannot be readily obtain any other publications of this nature. Likewise,

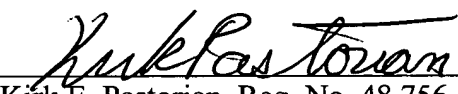
Applicants' are unaware of and/or cannot be readily obtain any other publications that Applicants relied upon to draft the claimed subject matter.

Applicant believes this paper to be responsive to the Office communication dated 6/15/2005 and that fee and certification requirements of 37 CFR 1.97 are to be waived as indicated in the 06/04/2004 Office communication. Enclosed herewith is a PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a). Should any additional extension of time and/or fee be necessary for timely submission of this paper, such extension of time is hereby requested, and the Commissioner is hereby authorized to charge **Deposit Account No. 01-2213 (order no. 5013)**. Any deficiency or overpayment should be charged or credited to this deposit account.

Should there remain any questions regarding any of the aforementioned documents that may be resolved by a telephone conference, the Examiner is respectfully requested to contact the Applicant's undersigned representative at the indicated telephone number.

Respectfully submitted,

Date: September 15, 2005


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